

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : René Gschwind  
SERIAL NO. : 09/890,434  
FILED : July 30, 2001  
FOR : BREAD SPREAD WITH COLA FLAVOR

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

21 MAY 2003

Legal  
International Division

**PETITION FOR REVIVAL UNDER 37 CFR §137(A)**

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to Notification of Missing Requirement under 35 U.S.C. §371 dated **September 11, 2001** and setting forth a two-month period for response. The date of abandonment of this application is **November 11, 2001**.

Applicant hereby petitions for revival of this application.

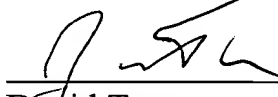
1. The Commissioner is hereby authorized to charge the petition fee in the amount of \$55.00 (37 CFR §1.17(e)). Applicant claims small entity status.

2. The reply to the Notice of Missing Requirements was filed on **January 17, 2002** (copy enclosed).

3. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

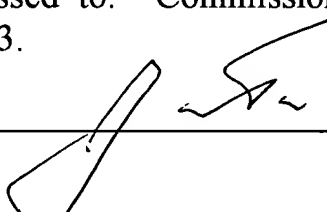
4. An adequate showing of the cause of the delay and that of the entire delay in filing the response from the due date for the reply until filing of a grantable petition under 37 C.F.R. §1.137 (a) was unavoidable, is enclosed.

Respectfully submitted,

  
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David Toren  
Reg. No. 19,468

Dated: May 13, 2003  
Sidley Austin Brown & Wood LLP  
787 Seventh Avenue  
New York, N.Y. 10019  
Tel.: (212) 839-7365

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail and addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on May 13, 2003.

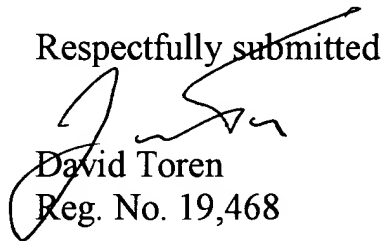
  
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**ATTACHMENT TO THE PETITION FOR REVIVAL  
UNDER 37 C.F.R. §137(a) SHOWING CAUSE OF THE DELAY**

The Notice of Missing Requirements, which is dated September 11, 2001, was received in the office of the attorneys for this application (which was previously located at One World Trade Center) with a delay in October, 2001 because of the tragic event of September 11, 2001.

According to Paul Scott, the attorney who handled this case (Paul Scott left the firm, and his present address is unknown), in response to his call to the U.S. Patent and Trademark Office, he was advised that a new Notice of Missing Requirements would be sent and was further advised, during his subsequent conversation with Robert Bahr, Esq., that a response can be filed with a copy of the original notice and that the required extension fees would be waived (please see computer print-out for this file (enclosed herewith), the highlighted paragraph summarizing the content of the calls. A response was filed on January 17, 2002 (please see printout). Also enclosed is a copy of a page from the log book for January 17, 2002 showing that the response was filed.

Respectfully submitted

  
David Toren  
Reg. No. 19,468

May 13, 2003